

Legislative Analysis



REIMBURSEMENT TO LOCAL GOVERNMENTS FOR SPECIAL ELECTIONS

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House Bill 5852 as introduced
Sponsor: Rep. Chris Ward
Committee: House Oversight, Elections, and Ethics

First Analysis (3-20-06)

BRIEF SUMMARY: The bill would require the use of state funds for special elections to fill a vacancy in the State Senate or House of Representatives, if the election were held on one of the four consolidated election dates (in late February, or in early May, August, and November).

FISCAL IMPACT: The cost to the state is indeterminate because it depends who qualifies and is determined to be eligible by the Department of Treasury to receive reimbursement.

THE APPARENT PROBLEM:

Currently under the law, a local unit of government must bear the costs of special elections held to fill vacancies for office within their jurisdictions—elections that can be scheduled by the Governor at any time during the year.

The cost of a special election varies depending upon the size of the electorate, but each can easily require tens of thousands, or hundreds of thousands, of local tax dollars. For example, a recent special election to fill a vacancy in the State Senate will cost an estimated \$300,000, according to committee testimony.

In order to encourage local units of government to authorize, and the Governor to call, special elections, and to do so in an orderly manner, some have suggested that the cost of elections to fill vacancies at the statehouse should be borne by state- rather than local-taxpayers.

THE CONTENT OF THE BILL:

House Bill 5852 would amend the Michigan Election Law to require the use of state funds for special elections to fill a vacancy in the State Senate or House of Representatives, if the election were held on one of the four consolidated election dates (in late February, or in early May, August, and November).

The bill specifies that if the Governor calls a special election to fill a vacancy in the office of State Senator or Representative, and the special election is held on one of the four regular election dates provided under the Election Law (the fourth Tuesday in February and the first Tuesday after the first Monday in May, August, and November), then the state would be required to reimburse each county, city, and township in that state senatorial or representative district for the cost of conducting the special election. The reimbursement could not exceed the verified account of actual costs of the election.

The bill also specifies that payment would be made upon presentation and approval of a verified account of actual costs to the Department of Treasury's Local Audit Division, after the department and the Secretary of State had agreed as to what constituted valid costs. Reimbursable costs would *not* include salaries of permanent local officials, the cost of reusable supplies and equipment, or costs attributable to local special elections held in conjunction with the special election to fill the statehouse vacancy. Under the bill, the legislature would appropriate from the general fund, the amount necessary to implement this section of the law.

To qualify for reimbursement, a county, city, or township would be required to submit its verified account of actual costs within 90 days after the special election, and the Department of Treasury would be required to pay or disapprove all or a portion of the account within 90 days of receiving it. If the department disapproved all or a portion of the account, it would be required to send a notice of disapproval along with the reasons for the disapproval. Upon request of a county, city, or township whose verified account had been disapproved, the department would be required to review the disapproved costs.

MCL 168.634a

ARGUMENTS:

For:

Because the costs of special elections are high, the officials of some local units of government have proposed (to the Governor) leaving their vacant positions in the statehouse unfilled until the next general election. As a result, the people within their jurisdictions have no representation in Lansing. This bill provides an incentive to authorize special elections to fill vacancies in the statehouse shortly after they occur, instead of waiting until the next August primary. It also encourages the consolidation of election dates, since the incentive would be available only when a special election was scheduled on one of the four Tuesdays in February, May, August, or November that are specified in the election law.

Against:

Although this is a laudable goal, the cost of the elections has not been provided for in the state budget. Those costs could easily approach a million dollars each year, if only three statehouse seats go vacant midway through the legislative term—as has been the case during this legislative session.

POSITIONS:

The Office of the Secretary of State supports the bill. (3-15-06)

The Michigan Association of Counties supports the bill. (3-15-06)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.